

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED

CLERKS OFFICE

2005 MAR 23 P 12:11

HOUSEHOLD FINANCE CORPORATION
Plaintiff,

VS.

TRACY A. KILEY A/K/A
TRACY KILEY ESCOTT
Defendant

DATE:

BY:

U.S. DISTRICT COURT
DISTRICT OF MASS

No. 05CV10342MLW

PLAINTIFF/ COUNTERCLAIM DEFENDANT'S MOTION TO AMEND COMPLAINT

Plaintiff/Counterclaim Defendant hereby moves to amend the Complaint to correct an error in the identification of Plaintiff/Counterclaim Defendant as Household Finance Corporation instead of Beneficial Massachusetts Inc. as plaintiff (hereinafter "Amended Complaint"). As grounds for this Motion, Plaintiff/Counterclaim Defendant states that leave should be given to amend the Complaint:

Pursuant Fed. R. Civ. P. 15(a) because:

- (a) the Defendant has filed a responsive pleading to the Complaint;
- (b) "leave shall be freely given when justice so requires";

In further support of this Motion, Plaintiff/Counterclaim Defendant states that the proper party in interest is Beneficial Massachusetts Inc., and that through inadvertence the Complaint filed in the State Court action incorrectly identified the Plaintiff/Counterclaim Defendant as Household Finance Corporation. Plaintiff/Counterclaim Defendant relies upon and incorporates by reference the attached Memorandum of Law and Exhibits annexed thereto. For the reasons

stated therein, Plaintiff/Counterclaim Defendant requests that leave be given for Plaintiff/Counterclaim Defendant to amend the Complaint to correct the clerical error.

WHEREFORE, Plaintiff/Counterclaim Defendant respectfully requests that its Motion to Amend the Complaint be granted.

Local Rule 7.1 (A)(2) Certification

Counsel for Plaintiff/Counterclaim Defendant hereby certifies that he attempted to confer with the *pro se* Defendant/Counterclaim Plaintiff, Tracy A. Kiley a/k/a Tracy Kiley Elliott, regarding the basis for this Motion but that the Defendant/Counterclaim Plaintiff has not contacted the undersigned by mail or telephone.

Plaintiff/Counterclaim Defendant
By its Attorneys,
Shechtman Halperin Savage, LLP,




Shawn M. Masterson, BBO#658276
86 Weybosset Street
Providence, RI 02903
(401) 272-1400 phone
(401) 272-1403 fax

Certificate of Service

I certify that the within Motion to Amend the Complaint and Memorandum of in Support was served upon the following *pro se* Defendant/Counterclaim Plaintiff by first class mail, postage prepaid, on March 18th, 2005:

Tracy A. Kiley a/k/a Tracy Kiley Elliott
108 West Tashmoo Avenue
Vineyard Haven, MA 02301


Shawn M. Masterson, Esquire